REMARKS

Claims 1-8, 23-25, 27, and 32-35 are pending in the present application.

This Amendment is in response to the Office Action mailed April 17, 2008. In the Office Action, the Examiner rejected claims 1-8, 23-25, 27, and 32-35 under 35 U.S.C. §103(a). Reconsideration in light of the remarks made herein is respectfully requested.

Request for Examiner's Interview

Applicants respectfully request the Examiner to contact the undersigned attorney if, after his review, there are still questions regarding patentability. Such discussions will greatly facilitate the prosecution of this case. The undersigned attorney can be reached at the telephone number listed below.

Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1-2, and 4-5 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,157,719 issued to Wasilewski et al. ("Wasilewski") in view of U.S. Patent No. 5,784,464 issued to Akiyama et al. ("Akiyama"); claims 6-7 under 35 U.S.C. §103(a) as being unpatentable over Wasilewski and Akiyama and further in view of U.S. Patent No. 5,151782 issued to Ferraro ("Ferraro"); claim 8 under 35 U.S.C. §103(a) as being unpatentable over Wasilewski and Akiyama and further in view of U.S. Patent No. 6,950,090 issued to Alve et al. ("Alve"); claims 23-25, 27, and 35 under 35 U.S.C. §103(a) as being unpatentable over Wasilewski and Akiyama in view of Alve and further in view of U.S. Patent No. 6,640,035 issued to Kocher et al. ("Kocher"); claims 3, 32, and 34 under 35 U.S.C. §103(a) as being unpatentable over Wasilewski and Akiyama in view of U.S. Patent No. 6,550,008 issued to Zhang et al. ("Zhang"); and claim 33 under 35 U.S.C. §103(a) as being unpatentable over Wasilewski, Akiyama, Zhang, and further in view of Alve. Applicant respectfully traverses the rejection and submits that the Examiner has not met the burden of establishing a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success.

Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *MPEP §2143, p. 2100-126 to 2100-130 (8th Ed., Rev. 5, August 2006).* Applicant respectfully submits that there is no suggestion or motivation to combine their teachings, and thus no *prima facie* case of obviousness has been established.

1. Claims 1-2, and 4-5

The Examiner rejected claims 1-2, and 4-5 under 35 U.S.C. §103(a) as being unpatentable over Wasilewski in view of Akiyama. Applicant respectfully traverses the rejection because a *prima facie* case of obviousness has not been established.

Applicant respectfully submits that the Examiner cites Wasilewski in the Office Action and Pinder (U.S. Patent No. 6,424,717) in the Final Office Action dated September 27, 2007. Since Wasilewski and Pinder have an identical Detailed Descriptions and the Examiner cites the same passages in both prior art references to reject the elements in the claims. Therefore, Applicant reiterates the arguments set forth in the previously filed Response to the Final Office Action.

The Examiner alleges that Wasilewski discloses a key being formed from a mating key generator (Office Action, page 3). Applicant respectfully disagrees. As repeatedly stated, the mating key generator is a message type and Figure 2B of Wasilewski does not disclose the use of this message type. If MSK is considered to be the "key" and Kpr is construed as being the "unique key," Wasilewski does not provide any discussion or suggestion that MSK *is formed from a mating key generator being a message that comprises an identifier of a supplier of the scrambled digital content, where the supplier is either a cable provider, a satellite-based provider, a terrestrial-based provider, or an Internet service provider* as claimed.

Moreover, the combined teachings of Wasilewski and Akiyama does not teach or suggest the limitation of the "first process block to decrypt a message using the unique key to produce a key, *the key being formed from a mating key generator being a message that comprises… an identifier of a supplier of the scrambled digital content, the supplier being one of a cable provider, a satellite-based provider, a terrestrial-based provider, and an Internet service*

provider." Emphasis added. While we agree with the Examiner that Wasilewski does not provide such limitations, we disagree that Akiyama provides such teachings.

Akiyama merely discloses a key management unit 18 combining the service provider ID (IDP) with the title key KG_{1j} (Akiyama, col. 14, lines 45-47). Since the title key KG_{1j} is being combined with the service provider ID, the title key KG_{1j} cannot be *formed from* a generator that comprises the service provider ID, allegedly the identifier of a supplier. Even if the service provider ID is equivalent to the identifier of a supplier, Akiyama, in combination with the teachings of Wasilewski, does not teach the use of a message including the service provider ID to form the key (MSK) that was decrypted by the first process block. The mere teaching of a key being combined with a service provider ID does not describe or suggest the invention as claimed. Applicant respectfully request the Examiner to reconsider these grounds for rejection.

With respect to claim 4, Applicants respectfully submit that the Office Action fails to provide any grounds for rejection. Applicants did not have the ability to address the Examiner's rationale for the rejection because Applicants were unsure whether the ground for rejection has been overcome, as typically found when the rejection has not been restated.

As previously stated, if MSK is considered by the Examiner to be the "key" and Kpr is construed as being the "unique key" as claimed, Applicant respectfully requests the Examiner to elaborate how the key (Kpr) is formed by *encrypting* the mating key generator using the unique key (MSK). This limitation is explicitly stated in claim 4 and has not been addressed by the Examiner. Applicant respectfully submits that the combined teachings or Wasilewski and Akiyama clearly do not describe or suggest MSK is formed by encrypting information, such as a message including the service provider ID, using Kpr (unique key) based on the claim construction offered by the Examiner.

With respect to claims 2 and 4-5, Applicant respectfully traverses the rejection because a *prima facie* case of obviousness cannot be established for these claims. However, since claims 2 and 4-5 are dependent on claim 1, believed by Applicant to be in condition for allowance, no further discussion as to the grounds for traverse is warranted.

Withdrawal of the §103(a) rejection as applied to claims 1-2 and 4-5 is respectfully requested.

2. Claims 6-7

With respect to claims 6-7, Applicant respectfully submits that this claim is in condition for allowance because claim 1 is in condition for allowance. Hence, no further discussion as to the grounds for traverse is warranted. Withdrawal of the §103(a) rejection as applied to claim 6-7 is respectfully requested.

3. Claim 8

With respect to claim 8, Applicant respectfully submits that this claim is in condition for allowance because claim 1 is in condition for allowance. Hence, no further discussion as to the grounds for traverse is warranted. Withdrawal of the §103(a) rejection as applied to claim 8 is respectfully requested.

4. Claims 23-25, 27, and 35

The Examiner rejected claims 23-25, 27, and 35 under 35 U.S.C. §103(a) as being unpatentable over Wasilewski and Akiyama in view of Alve and further in view of Kocher. Applicant respectfully traverses the rejection because a *prima facie* case of obviousness has not been established.

As above, the combined teachings of Wasilewski and Akiyama fails to teach or suggest at least a first process block to encrypt a message using a unique, one-time programmable key to produce a first key, the message includes a mating key generator being a message that comprises an identifier of at least one of (i) a manufacturer of a digital device employed with the descrambler IC, (ii) a service provider identifier, and (iii) a conditional access (CA) provider identifier as recited in independent claim 23.

With respect to claims 24-25, 27, and 35, Applicant respectfully traverses the rejection because a *prima facie* case of obviousness cannot be established for these claims. However,

since claims 24-25, 27, and 35 are dependent on claims 23 and 32, believed by Applicant to be in condition for allowance, no further discussion as to the grounds for traverse is warranted.

5. Claims 3, 32, and 34

The Examiner rejected claims 3, 32, and 34 under 35 U.S.C. §103(a) as being unpatentable over Wasilewski and Akiyama in view of Zhang. Applicant respectfully traverses the rejection because a *prima facie* case of obviousness has not been established.

As above, the combined teachings of Wasilewski and Akiyama fails to teach or suggest at least a first process block controlled by a non-CPU based state machine to decrypt a message using the unique key to produce a key, the message is a mating key generator that comprises an identifier of one or more of (i) a manufacturer of a digital device employed with the descrambler IC, (ii) a service provider identifier, and (iii) a conditional access (CA) provider identifier, as recited in independent claim 32.

Moreover, the Examiner contends that column 5, lines 55-60 of Zhang provides such support, and Applicant respectfully submits that this contention is incorrect. This section (col. 5, lines 55-60) from Zhang does not provide teaching that the second process block is a finite state machine. Rather, this section describes the implementation of a controller (130) that is placed at the head-end system (14), and hence, does not provide any suggestion for descrambling circuitry as claimed.

Second, with respect to claim 32, Applicant respectfully submits that neither Wasilewski, Akiyama, nor Zhang, alone or in combination, describes or suggests a first process block that is controlled by a non-CPU based state machine to decrypt a message, namely a mating key generator, using the unique key to produce a key. The finite state machine implementation is directed to the architecture of the controller located in the head-end system and such logic does not appear to have descrambling functionality as claimed.

With respect to claims 3 and 34, Applicant respectfully submits that these claims are in condition for allowance because independent claims 1 and 32 are in condition for allowance.

Hence, no further discussion as to the grounds for traverse is warranted. Withdrawal of the §103(a) rejection as applied to claims 3 and 34 is respectfully requested.

In light of the foregoing, Applicant respectfully requests that the Examiner withdraw the rejection of claims 3, 32, and 34 under 35 U.S.C. §103(a).

6. Claim 33

With respect to claim 33, Applicant respectfully submits that this claim is in condition for allowance because claim 32 is in condition for allowance. Hence, no further discussion as to the grounds for traverse is warranted. Withdrawal of the §103(a) rejection as applied to claim 33 is respectfully requested.

Therefore, Applicant believes that independent claims 1, 23, and 32 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejection under 35 U.S.C. §103(a) be withdrawn.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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